



AN ACT BANNING REPRODUCTIVE HUMAN CLONING; AND ESTABLISHING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Embryo" means an organism of the species *Homo sapiens* from the single cell stage to 8 weeks of development.

(2) "Fetus" means an organism of the species *Homo sapiens* from 8 weeks of development until complete expulsion or extraction from a woman's body or removal from an artificial womb or other similar environment designed to nurture the development of the organism.

(3) "Oocyte" means the human female germ cell, the egg.

(4) "Reproductive human cloning" means human cloning intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

(5) "Somatic cell" means a diploid cell, having a complete set of chromosomes, obtained or derived from a living or deceased human body at any stage of development.

Section 2. Prohibited acts -- penalties. (1) A person or entity, public or private, may not knowingly:

(a) perform or attempt to perform reproductive human cloning;

(b) participate in an attempt to perform reproductive human cloning;

(c) ship, transfer, or receive for any purpose an embryo for reproductive human cloning; or

(d) ship, transfer, or receive, in whole or in part, any oocyte, embryo, fetus, or human somatic cell for the purpose of reproductive human cloning.

(2) A violation of subsection (1)(a) or (1)(b), or both, is a felony.

(3) A violation of subsection (1)(c) or (1)(d), or both, is a misdemeanor.

(4) All fines collected under this section must be deposited in the state general fund.

Section 3. Scientific research -- exception. (1) [Sections 1 and 2] do not restrict areas of scientific research not specifically prohibited by [sections 1 and 2], including research into the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, tissues, organs, plants, cells other than human embryos, or animals other than humans.

(2) [Sections 1 and 2] do not apply to in vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant if the procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

(3) Nothing in this section prohibits embryonic stem cell research using embryonic stem cell lines of uncloned origin.

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 50, and the provisions of Title 50 apply to [sections 1 through 3].

- END -

I hereby certify that the within bill,
HB 0288, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 288

INTRODUCED BY K. KERNS, MCGEE

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